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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,712	03/29/2001	Takashi Shinzaki	1075.1156	4094
21171 7590 06/27/2008 STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER THEIN, MARIA TERESA T	
			ART UNIT 3627	PAPER NUMBER
			MAIL DATE 06/27/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/819,712

Applicant(s)

SHINZAKI, TAKASHI

Examiner

MARISSA THEIN

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 65-67 is/are pending in the application.
- 4a) Of the above claim(s) 67 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date: _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 4, 2008 has been entered.

Response to Amendment

Applicant's "Request for Continued Examination" filed on April 4, 2008 has been considered.

Applicant's response by virtue of amendment to claims 1 and 65-66 pertaining to the recitation "deciding that first receiver certifying information received from the customer's terminal is corresponding to the second receiver certifying information received from the seller's terminal" has overcome the Examiner's rejection under 35 U.S.C § 112, first paragraph.

Applicant's response by virtue of amendment to claims 1 and 65-66 pertaining to the recitation "when the first receiver certifying information is corresponding to the second receiver certifying information, by using said transaction ID information and the first or second receiver certifying information which void of personal identification information" has not overcome the Examiner's rejection under 35 U.S.C § 112, first paragraph.

Claim 1-6, 9, 11-13, 15-16, 65-66 have been amended. New claim 67 has been added. Claims 1-18 and 65-67 remain pending in this application and an action on the merits follow.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 65 and 66 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 1, 65 and 66 recite "when the receiver certifying information is identical to reference receiver certifying information, by using said transaction ID information and the receiver certifying information or the reference receiver certifying information which is void of personal identification information"; "transferring the commodity to a receiver for the commodity when the first piece of receiver certifying information corresponds to the second piece of receiver certifying information, by using transaction ID information and the first piece or second piece of receiver certifying information, which is void of personal identification information"; and "warning the customer that the customer does not receive the commodity when the seller's terminal does not receive a transfer-completion notification from the receiver certifying terminal in a predetermined term; and "warning the customer, at the seller's

terminal, that the customer does not receive the commodity when the sellers terminal does not receive a transfer-completion notification from the receiver certifying terminal in a predetermined term" which are not disclosed in the specification. If Applicant deems the recitation is in the specification, Examiner suggests pointing the recitation out in the specification by page number and line number.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 10-13, 15, 65 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,807,530 to Shub et al. in view of U.S. Patent No. 7,069,249 to Stolfo et al. and in further view of U.S. Patent No. 6,076,078 to Camp et al.

Regarding claims 1, Shub disclose an e-commerce method for an e-commerce system, which includes a seller's terminal (merchant, col. 1, lines 55-57; col. 2, lines 3-3; Figure 1; col. 3, lines 43-44), a customer's terminal (customer, col. 1, lines 55-57; col. 2, lines 3-5; Figure 1; col. 3, lines 40-44), a payment agent's terminal (payment agency; Figure 1; col. 2, lines 3-5); and commodity delivery means (delivery companies; col. 2, lines 3-5), the method comprising: at the customer's terminal sending an anonymous order (anonymous buy) to the seller's terminal for a commodity via the information communication network and designating a non-residential place other than a residential

place (alternate address, col. 6, lines 54-56; col. 2, lines 53-57) of the customer as the delivery destination via the communication network (col. 3, lines 9-12; col. 6, lines 43-61), said anonymous order being void of personal identification information (col. 1, lines 60-64; col. 4, lines 25-27); at the seller's terminal assigning transaction identification (ID) information (order number) peculiar to said anonymous order and notifying the customer's terminal of said transaction ID information (col. 6, lines 54-56; col. 2, lines 47-53), requesting the payment agent's terminal for payment for the commodity for which the customer's terminal made the anonymous order (col. 2, lines 49-53; col. 4, lines 40-43; col. 6, lines 50-53), making arrangements to deliver the commodity to the non-residential place using the commodity delivery means (col. 2, lines 53-col. 3, line 3; col. 6, lines 53-61; col. 7, lines 6-9); and transferring the commodity to a receiver for the commodity at the non-residential place by using information which is void of personal identification information (col. 3, lines 8-12; col. 5, lines 60-64; col. 6, lines 62-col. 7, line 1).

However, Shub does not explicitly disclose at the receiver certifying: comparing receiver certifying information (unique session number) received from the customer's terminal to reference receiver certifying information received from the seller's terminal; and transferring the commodity to the customer for the commodity at said non-residential place, when the receiver certifying information is identical to the reference receiver certifying information, by using said transaction ID information and the receiver certifying information or reference receiver certifying information which is void of personal identification information; and warning the customer that the customer does

not receive the commodity when the seller's terminal does not receive a transfer-completion notification from the receiver certifying terminal in a predetermined term. Shub discloses a method of enabling a customer to remotely order goods from a merchant and receive the goods without revealing the customer's identity or address to the merchant (col. 1, lines 9-12). The customer identification information need not be disclosed to the merchant or to anyone other than the customer (col. 1, lines 62-64). Shub further teaches a private key/public key pair and a secret encoding key (col. 2, lines 26-28). The public key is used to verify that the label corresponds to the order, the identify and address of the customer are not readable by being blinded or encoded (col. 6, line 62-col. 7, line 1). Furthermore, Shub discloses the customer has the option to request the order to be delivered to an alternate address (col. 2, lines 53-55). The goods is delivered to the customer's alternate address and gets the goods using the second bank order number x2 and the number pair (c, t) (col. 5, lines 60-63).

Stolfo, on the other hand, teaches an online shopping system, which a customer can designate, addresses or places where he or she wants to have goods delivered (col. 8, lines 3-8). Stolfo further teaches comparing receiver certifying information received from the customer's terminal to reference receiver certifying information received from the seller's terminal; and transferring the commodity to the customer for the commodity at said non-residential place, when the receiver certifying information is identical to the reference receiver certifying information, by using said transaction ID information and the receiver certifying information or reference receiver certifying

information which is void of personal identification information (col. 13, lines 52-56; col. 14, lines 2-5; col. 19, lines 57-62; col. 23, line 61-col. 24, line 15; col. 25, lines 12-41).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Shub, to include comparing receiver certifying information received from the customer's terminal to reference receiver certifying information received from the seller's terminal; and transferring the commodity to the customer for the commodity at said non-residential place, when the receiver certifying information is identical to the reference receiver certifying information, by using said transaction ID information and the receiver certifying information or reference receiver certifying information which is void of personal identification information, as taught by Stolfo, in order to ship a good ordered electronically over a communications network to the party that ordered the good while securing private and personal information of the party that ordered the good with respect to unauthorized parties (Stolfo, col. 6, lines 15-19).

The combination of Shub and Stolfo does not teach warning the customer that the customer does not receive the commodity when the seller's terminal does not receive a transfer-completion notification from the receiver certifying terminal in a predetermined term. The combination does teach messages within its Webpage to remind and direct the user to take certain actions from the second party vendor and may provide a final message asking whether all information on the screen is correct (Stolfo, col. 22, lines 33-38).

Camp, on the other hand, teaches warning the customer that the customer does not receive the commodity when the seller's terminal does not receive a transfer-completion notification from the receiver certifying terminal in a predetermined term (col. 13, lines 53-59; col. 16, lines 7-22).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combination, to include warning the customer that the customer does not receive the commodity when the seller's terminal does not receive a transfer-completion notification from the receiver certifying terminal in a predetermined term, as taught by Camp, in order to provide anonymity and reliability in transactions in all current electronic commerce systems (Camp, col. 1, lines 17-18).

Regarding claims 2-6 and 10, Shub substantially discloses the claimed invention, however, it does not explicitly disclose certification; the receiver certifying information which is created at the seller's terminal and price information of the transaction, together with the transaction ID information are notified to the customer's terminal; the customer's terminal notifies the payment's agent terminal of the transaction ID information and the price information, which have been notified by the seller's terminal; customer's terminal notifies the seller's terminal of receiver certifying information; a sales slip medium containing said transaction ID information in form of a read-out code; and the receiver for the commodity is certified as the authorized receiver, by reading out the transaction ID information of the sales slip medium; the transaction ID information is

ciphered with the read-out code as a code key; and the ciphered transaction ID information of the sales slip medium is deciphered using the code key; and biometrics.

Shub discloses a method of enabling a customer to remotely order goods from a merchant and receive the goods without revealing the customer's identity or address to the merchant (col. 1, lines 9-12). Shub further teaches a private key/public key pair and a secret encoding key (col. 2, lines 26-28). Furthermore, Shub discloses the customer has the option to request the order to be delivered to an alternate address (col. 2, lines 53-55). The goods is delivered to the customer's alternate address and gets the goods using the second bank order number x2 and the number pair (c, t) (col. 5, lines 60-63).

Stolfo, on the other hand, teaches an online shopping system, which a customer can designate, addresses or places where he or she wants to have goods delivered (col. 8, lines 3-8). Stolfo further teaches the certification (col. 19, lines 57-65); the receiver certifying information which his created at the sellers' terminal and price information of the transaction, together with the transaction ID information are notified to the customer's terminal (col. 23, line 61-col. 24, line 15); the customer's terminal notifies the payment's agent terminal of the transaction ID information and the price information, which have been notified by the seller's terminal (col. 17, lines 35-67); customer's terminal notifies the seller's terminal of receiver certifying information (col. 23, line 61-col. 24, line 15); a sales slip medium containing said transaction ID information in form of a read-out code (col. 19, lines 10-16); and the receiver for the commodity is certified as the authorized receiver, by reading out the transaction ID information of the sales slip medium (col. 19, lines 57-65); the transaction ID information is ciphered with the read-

out code as a code key (col. 19, lines 24-39); and the ciphered transaction ID information of the sales slip medium is deciphered using the code key (col. 19, lines 24-39); and biometrics data (col. 19, line 64).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Shub, to include the certification, as taught by Stolfo, in order to ship a good ordered electronically over a communications network to the party that ordered the good while securing private and personal information of the party that ordered the good with respect to unauthorized parties (Stolfo, col. 6, lines 15-19).

Regarding claims 11-13 and 15, Shub substantially disclose the claimed invention, however, it does not disclose upon completion of delivery of the commodity of the non-residential place, the seller's terminal notifies the customer's terminal of the completion of the delivery; certification is made as to whether the receiver for the commodity is an authorized receiver, using receiver certification information; notifying the customer's terminal of a status of delivery of the commodity; and notification to the seller's terminal via communication network that the transferring of the commodity has been carried out in the commodity transferring step.

Shub discloses a method of enabling a customer to remotely order goods from a merchant and receive the goods without revealing the customer's identity or address to the merchant (col. 1, lines 9-12). Shub further teaches a private key/public key pair and a secret encoding key (col. 2, lines 26-28). Furthermore, Shub discloses the customer has the option to request the order to be delivered to an alternate address (col. 2, lines

53-55). The goods is delivered to the customer's alternate address and gets the goods using the second bank order number x2 and the number pair (c, t) (col. 5, lines 60-63).

Stolfo, on the other hand, teaches upon completion of delivery of the commodity of the non-residential place, the seller's terminal notifies the customer's terminal of the completion of the delivery (col. 25, lines 36-41); certification is made as to whether the receiver for the commodity is an authorized receiver, using receiver certification information (col. 19, lines 57-62); notifying the customer's terminal of a status of delivery of the commodity (col. 23, line 61- col. 24, line 15; col. 25, lines 29-41); and notification to the seller's terminal via communication network that the transferring of the commodity has been carried out in the commodity transferring step (col. 23, line 61- col. 24, line 15; col. 25, lines 29-41).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Shub, in order to ship a good ordered electronically over a communications network to the party that ordered the good while securing private and personal information of the party that ordered the good with respect to unauthorized parties (Stolfo, col. 6, lines 15-19).

Regarding claims 65 and 66, Shub discloses a method for conducting electronic commerce, comprising: receiving an anonymous purchaser order, said anonymous purchaser order being void of personal identification information (col. 4, lines 25-27); and assigning transaction identification information to the anonymous purchase order (abstract; col. 6, lines 44-61); and transferring an item purchased by said purchaser order using information void of personal identification information (col. 3, lines 8-12; col.

5, lines 60-64; col. 6, lines 62-col. 7, line 1); making arrangements to deliver the commodity to the non-residential place using the commodity delivery means (col. 2, lines 53-col. 3, line 3; col. 6, lines 53-61; col. 7, lines 6-9); and transferring the commodity to a receiver for the commodity at the non-residential place by using information which is void of personal identification information (col. 3, lines 8-12; col. 5, lines 60-64; col. 6, lines 62-col. 7, line 1). Furthermore, Shub discloses sending an anonymous order (col. 3, lines 40-47; col. 4, lines 25-27).

However, Shub does not explicitly disclose at the receiver certifying: comparing receiver certifying information received from the customer's terminal to reference receiver certifying information received from the seller's terminal; and transferring the commodity to the customer for the commodity at said non-residential place, when the receiver certifying information is identical to the reference receiver certifying information, by using said transaction ID information and the receiver certifying information or reference receiver certifying information which is void of personal identification information, or by using said transaction ID information and the first or second piece receiver certifying information which is void of personal identification information; and warning the customer that the customer does not receive the commodity when the seller's terminal does not receive a transfer-completion notification from the receiver certifying terminal in a predetermined term. Shub discloses a method of enabling a customer to remotely order goods from a merchant and receive the goods without revealing the customer's identity or address to the merchant (col. 1, lines 9-12). The customer identification information need not be disclosed to the merchant or to anyone

other than the customer (col. 1, lines 62-64). Shub further teaches a private key/public key pair and a secret encoding key (col. 2, lines 26-28). The public key is used to verify that the label corresponds to the order, the identify and address of the customer are not readable by being blinded or encoded (col. 6, line 62-col. 7, line 1). Furthermore, Shub discloses the customer has the option to request the order to be delivered to an alternate address (col. 2, lines 53-55). The goods is delivered to the customer's alternate address and gets the goods using the second bank order number x2 and the number pair (c, t) (col. 5, lines 60-63).

Stolfo, on the other hand, teaches an online shopping system, which a customer can designate, addresses or places where he or she wants to have goods delivered (col. 8, lines 3-8). Stolfo further teaches comparing receiver certifying information received from the customer's terminal to reference receiver certifying information received from the seller's terminal; and transferring the commodity to the customer for the commodity at said non-residential place, when the receiver certifying information is identical to the reference receiver certifying information, by using said transaction ID information and the receiver certifying information or reference receiver certifying information which is void of personal identification information, or by using said transaction ID information and the first or second piece receiver certifying information which is void of personal identification information (col. 13, lines 52-56; col. 14, lines 2-5; col. 19, lines 57-62; col. 23, line 61-col. 24, line 15; col. 25, lines 12-41).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Shub, to include comparing

receiver certifying information received from the customer's terminal to reference receiver certifying information received from the seller's terminal; and transferring the commodity to the customer for the commodity at said non-residential place, when the receiver certifying information is identical to the reference receiver certifying information, by using said transaction ID information and the receiver certifying information or reference receiver certifying information which is void of personal identification information, or by using said transaction ID information and the first or second piece receiver certifying information which is void of personal identification information, as taught by Stolfo, in order to ship a good ordered electronically over a communications network to the party that ordered the good while securing private and personal information of the party that ordered the good with respect to unauthorized parties (Stolfo, col. 6, lines 15-19).

The combination of Shub and Stolfo does not teach warning the customer that the customer does not receive the commodity when the seller's terminal does not receive a transfer-completion notification from the receiver certifying terminal in a predetermined term. The combination does teach messages within its Webpage to remind and direct the user to take certain actions from the second party vendor and may provide a final message asking whether all information on the screen is correct (Stolfo, col. 22, lines 33-38).

Camp, on the other hand, teaches warning the customer that the customer does not receive the commodity when the seller's terminal does not receive a transfer-

completion notification from the receiver certifying terminal in a predetermined term (col. 13, lines 53-59; col. 16, lines 7-22).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combination, to include warning the customer that the customer does not receive the commodity when the seller's terminal does not receive a transfer-completion notification from the receiver certifying terminal in a predetermined term, as taught by Camp, in order to provide anonymity and reliability in transactions in all current electronic commerce systems (Camp, col. 1, lines 17-18).

Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,807,530 to Shub et al. and U.S. Patent No. 7,069,249 to Stolfo et al. and U.S. Patent No. 6,076,078 to Camp et al. as applied to claim 1 above, and further view of U.S. Patent No. 6,236,972 to Shkedy. Shub and Stolfo substantially disclose the claimed invention, however, the combination does not disclose digital signature. The combination identifying data which may be secret information such as a confidential code to the recipient and the OVM agent (Stolfo, col. 19, lines 62-65). Shkedy, on the other hand, teaches digital signatures (col. 5, lines 3-7).

Therefor, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combination of Shub and Stolfo, to include digital signatures and biometrics, as taught by Shkedy, so as to authenticate the customer identification (Shkedy, col. 5, lines 3-4).

Claim 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,807,530 to Shub et al. and U.S. Patent No. 7,069,249 to Stolfo et al. and U.S. Patent No. 6,076,078 to Camp et al. as applied to claim 1 above, and further view of U.S. Patent No. 6,085,170 to Tsukuda.

Regarding claim 9, Shub and Stolfo substantially disclose the claimed invention, however, the combination does not disclose a commodity cabinet. The combination discloses a physical address of a physical facility designated by the first party (customer) which may be depot for pick up (col. 8, lines 3-8). Tsukuda, on the other hand, teaches the commodity cabinet (col. 9, lines 38-46).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combination of Shub and Stolfo, to include the commodity cabinet, as taught by Tsukuda, in order to store the goods inside the cabinet so that the customer can receive the goods at anytime (Tsukuda, col. 11, lines 19-24).

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,807,530 to Shub et al. and U.S. Patent No. 7,069,249 to Stolfo et al. and U.S. Patent No. 6,076,078 to Camp et al. as applied to claim 1 above, and further view of U.S. Patent No. 6, 609,113 to O'Leary et al. Shub and Stolfo substantially discloses the claimed invention, however, the combination does not disclose the arrangement to pay a predetermined amount of money periodically to a customer's account established for the payment agent to make payment in behalf of the customer and the payment agent makes a direct debit of a price regarding the

purchasing of the commodity in the customer's account. The combination disclose a payment agency which establishes protocols for the exchange of information (Shub col. 6, lines 17-19). The payment agency is the bank and/or credit card company of the customer and can also be a specialized agency where the customer pays cash in exchange for a receipt (col. 4, lines 13-17). O'Leary, on the other hand, teaches the arrangement as recited above (abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combination, to include the payment arrangement, as taught by O'Leary, in order to pay the seller.

Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,807,530 to Shub et al. and U.S. Patent No. 7,069,249 to Stolfo et al. and U.S. Patent No. 6,076,078 to Camp et al. as applied to claim 1 above, and further view of U.S. Patent No. 6,748,365 to Quinlan et al. Shub and Stolfo substantially discloses the claimed invention, however, the combination does not disclose the marketing information, discounts and age/sex information. Quinlan, on the other hand, teaches the marketing information, as recited above (col. 3, lines 26-51).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combination, to include the marketing information, as taught by Quinlan, in order to redeem product rebates (Quinlan col. 1, lines 12-13).

Election/Restrictions

Newly submitted claim 67 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the claim has separate utility such as notifying the customer that the customer did not pick up the good on a day of pick up when the seller does not receive a transfer-completion notification from the delivery destination during a pick-up time window.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 67 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Response to Arguments

Applicant's arguments with respect to claims 1-18 and 65-66 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARISSA THEIN whose telephone number is (571)272-6764. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3687

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matthew S Gart/
Supervisory Patent Examiner, Art
Unit 3687

Mtot /M. T./
Examiner, Art Unit 3627
June 23, 2008